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AUG 31 2009

OFFICE OF PETITIONS

In re Application of: :
Willis et al. : ON PETITION FOR
Application No. 09/844198 : ADJUSTMENT OF PATENT TERM
Filing or 371(c) Date: 04/27/2001 :
Atty. Docket No.: 10060.0100 :

This letter is in response to the "PETITION FOR ADJUSTMENT OF PATENT TERM PURSUANT TO 37 C.F.R. § 1.705(b)," filed June 3, 2009.

The request for Reconsideration of patent term adjustment ("PTA") under 37 CFR 1.705(d) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 1462 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 17, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 1335 days.

On June 3, 2009, applicant timely submitted the present application for patent term adjustment¹. Applicant asserts that the application is entitled to an additional patent term adjustment of 127 days in connection with the Notice of Allowance mailed April 17, 2009.

The application history has been reviewed and it has been determined that the initial reduction of the patent term for Applicant delay of 1335 days is incorrect. Applicant filed the reply to a restriction requirement filed August 11, 2008. Thereafter the Office mailed a Notice of Allowance on April 17, 2009. Thus, in accordance with 37 CFR 1.702(a)(2), the application is entitled to an additional 127 days of patent term adjustment, as argued. The adjustment commenced December 12, 2008, the day after the date that is four months after the reply to the restriction requirement was filed and ended April 17, 2009, the date that the Notice of Allowance was mailed. See, 37 CFR 1.703(a)(2).

¹ PALM records show that the Issue Fee payment was received in the Office on July 17, 2009.

In view thereof, at the time of allowance, the application is entitled to an adjustment of 1462 days (adjustments totaling 1580 days less reductions totaling 118 days).

The Office acknowledges receipt of the required patent term adjustment application fee of \$200.00. See, 37 CFR 1.18(e).

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.



Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculations

Day : Sunday
Date: 8/30/2009

PALM INTRANET

Time: 21:47:51

PTA Calculations for Application: 09/844198

Application Filing Date:	04/27/2001	PTO Delay (PTO):	1453
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	118
Post-Issue Petitions:	0	Total PTA (days):	1462
PTO Delay Adjustment:	127		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	08/30/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	127		
56	04/17/2009	MAIL NOTICE OF ALLOWANCE			
55	01/12/2009	MISCELLANEOUS INCOMING LETTER			
54	08/11/2008	AMENDMENT CROSSED IN MAIL			
53	09/19/2008	EXAMINER'S AMENDMENT COMMUNICATION			
52	09/19/2008	ISSUE REVISION COMPLETED			
51	09/19/2008	DOCUMENT VERIFICATION			
50	09/19/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	09/10/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
48	09/15/2008	NOTICE OF ALLOWABILITY			
47	09/10/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
46	07/11/2008	MAIL RESTRICTION REQUIREMENT			
45	07/07/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
41	04/22/2008	DATE FORWARDED TO EXAMINER			
40	03/13/2008	RESPONSE AFTER NON-FINAL ACTION		56	38
39	03/13/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	10/17/2007	MAIL NON-FINAL REJECTION			
37	10/15/2007	NON-FINAL REJECTION			
34	08/02/2007	DATE FORWARDED TO EXAMINER			
33	07/30/2007	RESPONSE AFTER NON-FINAL ACTION			
32	07/20/2007	MAIL NON-FINAL REJECTION			
31	07/18/2007	NON-FINAL REJECTION			
28	05/14/2007	DATE FORWARDED TO EXAMINER			

27	05/07/2007	RESPONSE AFTER NON-FINAL ACTION			
26	04/03/2007	CORRESPONDENCE ADDRESS CHANGE			
25	02/07/2007	MAIL NON-FINAL REJECTION			
24	02/05/2007	NON-FINAL REJECTION			
23	11/26/2006	DATE FORWARDED TO EXAMINER			
22	11/20/2006	RESPONSE AFTER NON-FINAL ACTION		62	14
21	11/20/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	10/19/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
19	10/16/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
18	09/15/2006	CORRESPONDENCE ADDRESS CHANGE			
17	09/15/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
16	07/06/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	06/30/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	06/19/2006	MAIL NON-FINAL REJECTION	1453		-1
13	06/12/2006	NON-FINAL REJECTION			
12	05/11/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	08/05/2004	MISCELLANEOUS INCOMING LETTER			
10	05/11/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
8	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
7	01/02/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	11/11/2001	CASE DOCKETED TO EXAMINER IN GAU			
5	10/30/2001	CASE DOCKETED TO EXAMINER IN GAU			
4	06/25/2001	APPLICATION DISPATCHED FROM OIPE			
3	06/21/2001	CORRESPONDENCE ADDRESS CHANGE			
2	05/10/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/27/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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